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HARYANA GOVERNMENT

IRRIGATION & WATER RESOURCES DEPARTMENT

Notification

The 21st February, 2019

(Policy Guidelines for considering proposals of Mining contractors for use of River Bundh/Embankments)

No. 2/175/2018-1IW.— In case of some sand mining unit, mining contractor have direct access to the metalled roads and the others have to ply their vehicles, through bundhs/embankments for transportation of excavated sand to different destinations. One of the sand contractor namely M/s Sangam Infra Estates Pvt Ltd., of Barauli Sand Mining Unit-3 has filed CWP No 23218 of 2018 before the Hon'ble Punjab and Haryana High Court. The Hon'ble Punjab and Haryana High Court *vide* order dated 25.10.2018/14.11.2018 directed the State to form a uniform policy with regard to permission for the use of bundhs/embankments by the mining Contractors/stakeholders for transportation of sand. It has, therefore, been considered necessary to lay down specific policy guidelines prescribing a uniform procedure to be adopted for Mining contractors for use of River Bundh/Embankments and the charges to be levied from the beneficiaries for processing such proposal. These policy guidelines are as under.

1. The mining contractors / Mineral Dealer Licensee shall apply to the Mining Officer concerned, along with detail of the area/ stretch of usage of bundh/embankment (RD numbers/GPS readings), as well as duly marked map and length of bundh/embankment sought for their use. No application from any individual Mining Contractor will be considered by Irrigation & Water Resources Department.
2. The application shall carry non refundable fee of Rs. 50,000/- per year of the contract period and one time refundable security amount of Rs. 10.00 lacs to be payable by Mining Contractor to the Irrigation & Water Resources Department. The security will be refunded only after expiry of contract period/permission. If any damage is found in the bundh/embankment then the Executive Engineer of Irrigation & Water Resources Department will send an estimated cost to the mining contractor and the mining contractor shall rectify the damage within 15 days failing which Irrigation & Water Resources Department will execute the repair work at the risk and cost of mining contractor and amount will be deducted from the refundable security deposited by mining contractor. The Mining Officer shall ensure that at any given time, the refundable security should not be less than Rs. 10.00 lacs during the contract period.

3. The Mining Officer, Mines & Geology Department would forward the application complete in all respect to Executive Engineer concerned within a period of 7 days of receipt of application.
4. The Executive Engineer shall decide the case/ grant the permission within 10 days, subject to following conditions:
 - (a) Permission will be granted for the period coterminous with the period of mining contract or mineral dealer license.
 - (b) Plying of vehicles carrying mineral shall remain suspended during the rainy season i.e. from 1st July to 15th September.
 - (c) The bundh/embankment wherever presently are not as per level of the design of Irrigation & Water Resources Department, the same would be brought to design level by Irrigation & Water Resources Department as a deposit work of Mining Department.
 - (d) The contractor/licencee will ensure that the bundh/embankment remains in proper shape and damage, if any, shall be repaired from time to time by the contractor/licencee.
 - (e) To ensure safety of the side slopes of the bundh/embankment, the contractors shall carry out additional plantation on the sides and grass over slope to ensure stability to the satisfaction of Mining Officer.
 - (f) The mining contractors/ stakeholder having permission shall maintain the bundh/embankment at design level of the bundh/embankment for the stretch allowed to be used, throughout the contract period/ period of permission. Any additional requirement, if arises in future, for safety of bund/embankment, then Executive Engineer of Irrigation & Water Resources Department after taking approval from Engineer-in-Chief, Irrigation & Water Resources Department would ensure that the mining contractor/MDL is bound to implement the decision for the safety of the bundh/embankment.
 - (g) A team comprising Executive Engineer of Irrigation & Water Resources Department and Mining Officer of district concerned shall inspect the bundh/embankment at least twice number of times on or before 15th May and 15th September every year.
5. In case of any modification / change of area / stretch of bundh/embankment required, the same shall be considered on fresh application for which no additional fee may be required but any fresh area / stretch shall not be used unless modified permission is obtained.
6. A committee of concerned Executive Engineer of Irrigation & Water Resources Department, Mining Officer and representative of DC concerned shall ensure maintenance of the bundh/embankment and implementation of policy.
7. Further, in case of non-compliance/ violation of any of the condition of the permission, the concerned Executive Engineer of Irrigation & Water Resources Department, after giving the opportunity of hearing, may revoke/ cancel/modify the permission under intimation to Engineer-in-Chief, Irrigation & Water Resources Department and DMG as well as MO.
8. The existing stake holders intending to seek permission to ply the vehicles on/through bundh/embankment may apply immediately and would be entitled to use the same after finalization of the policy by the state government on payment of Rs. 50,000/- per year of contract period and one time refundable security of Rs. 10 lac to Irrigation & Water Resources Department and/or after taking prior approval from the Hon'ble Court in the matter. The amount deposited would be adjustable against the fee/ security as may be finally approved by the Government.
9. The stretch of bundh/embankment allowed to be used by the contractors/ stockists/ MDLs shall be allowed to be used by local villagers for their non-commercial use without any hindrance or any charges.
10. Any person found using the bundh/embankment without permission shall be liable to pay a fine of Rs. 5,000/- per truck and a FIR shall be registered against such offender as per Section-58 of The Haryana Canal & Drainage Act, 1974 as and when reported by Irrigation & Water Resources Department.

Chandigarh:
The 20th February, 2019.

ANURAG RASTOGI,
Principal Secretary to Government Haryana,
Irrigation & Water Resources Department.